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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)
Amendment of Section 73.606(b),)
Table of Allotments,)
Television Broadcast Stations)
(Woodward, Oklahoma))

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MM Docket No. 96-44
RM-8745

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To: The Chief, Allocations Branch

COMMENTS OF CHANNEL 35 BROADCASTERS

Channel 35 Broadcasters ("C35 Broadcasters"). by its attorneys and pursuant to Section 1.405 of the Commission's rules, hereby submits its Comments to the above-referenced Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 35 to the Woodward, Oklahoma television market. As discussed below, the allotment of Channel 35 to Woodward would further the Commission's goal of providing the community with its first full-service television allocation. C35 Broadcasters intends to promptly apply for Channel 35 if it is allotted to Woodward and promptly build the station if its application is granted.

BACKGROUND

1. Generally, Section 307(b) of the Communications Act, as amended, requires that channel allotments be made to communities that are geographically identifiable population groupings. Woodward, Oklahoma easily qualifies as a community for allotment purposes.

2. Woodward is an incorporated community of 12,340 residents, and is the county seat of Woodward County, which has a total population of 18,796, according to the 1990 U.S. Census. Woodward has its own government, which includes a city manager and city

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commissioners. The Woodward city government collects its own property and sales taxes. Woodward has 16 full-time fire personnel, 18 volunteer fire personnel, and 21 full-time police officers. Woodward has its own garbage collection system, water treatment system, and school system, with ten primary and secondary schools. Northwestern Oklahoma State University at Woodward and High Plains Area Vo-Tech provide higher education resources for the community. Woodward has 155 retail establishments, 75 wholesale businesses, numerous manufacturing plants, five banking institutions, as well as a noncommercial airport, seven motels, six medical clinics, a large hospital, a physical therapy clinic, the Woodward County Health Center, two home health agencies, two skilled nursing facilities, and a specialized ambulatory care facility. There are 25 churches located in Woodward. In addition, Woodward has one daily newspaper and one weekly newspaper. Situated at the intersection of U.S. 270 and U.S. 412, Woodward is considered the “hub” of the northwest Oklahoma trade area, which encompasses nine counties with a total population of approximately 74,000 residents.

DISCUSSION

3. The Commission has long held that the provision of at least one television broadcast station to a community is paramount with regard to its television allotment priorities.

Amendment of the Commission’s Rules, Regulations and Engineering Standards Concerning the Television Broadcast Service, Sixth Report and Order, 41 FCC 148, 167 (1952). Woodward has no full-time commercial television station despite the fact that it clearly qualifies as a community for allotment purposes, as detailed above.^{1/} The allotment of Channel 35 to Woodward would

^{1/} Channel 17 is reserved to Woodward as a noncommercial educational broadcast channel; however, the channel is vacant. Public Notice, Television Channel Utilization, Mimeo 55865 (September 25, 1995).

further the Commission's decades-old television allotment goal of providing a full-service television broadcast station to the community.

4. In addition to furthering the Commission's television allotment priorities, the allotment of Channel 35 to Woodward is consistent with the Commission's rules regarding minimum spacing requirements. As detailed in the Engineering Statement that was attached to the Petition for Rule Making of C35 Broadcasters, the nearest licensed commercial television station is 172 kilometers from Woodward at Ensign, Kansas; the nearest licensed educational television station is 77 kilometers from Woodward at Cheyenne, Oklahoma; the nearest pertinent allotment (Channel 20) is 119.9 kilometers from Woodward at Claremore, Oklahoma; and the nearest co-channel allotment is 345 kilometers from Woodward at Claremore, Oklahoma. The allotment of Channel 35 to Woodward would not violate the minimum spacing requirements to any of these stations.

5. It should also be noted that the allotment of Channel 35 to Woodward is permissible despite the Commission's temporary freeze of television allotments in some areas of the nation. See Advanced Television Systems (Freeze of TV Table of Allotments), 76 RR 2d 843 (1987). Woodward is located approximately 432 kilometers from the Fort Worth, Texas television market, which is the nearest television market covered by the freeze. The minimum required spacing between a frozen market and a market not impacted by the freeze is 281 kilometers.

6. C35 Broadcasters has demonstrated that: (1) Woodward is a community for allotment purposes; (2) the allocation of Channel 35 to Woodward would further the Commission's long-standing goal of providing a first local television service to a community; (3) the allotment of Channel 35 would not violate the Commission's minimum spacing requirements between television stations; and (4) the Commission's temporary freeze of television station

allotments in select markets is not a barrier to the allotment of Channel 35 to Woodward.

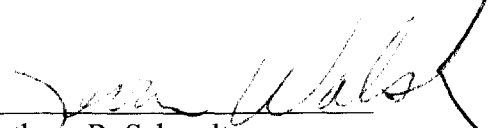
Finally, C35 Broadcasters pledges to promptly apply for Channel 35 if it is allotted to Woodward and promptly build the station if its application is granted.

CONCLUSION

WHEREFORE, the premises considered, Channel 35 Broadcasters respectfully requests the Commission to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 35 to Woodward, Oklahoma.

Respectfully submitted,

CHANNEL 35 BROADCASTERS

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